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UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

GEORGE KONESKY and
DIANE KONESKY,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. _____

COMPLAINT

Plaintiffs allege:

1. Plaintiffs George Konesky and Diane Konesky are husband and wife and at all times after mentioned were and now are citizens and residents of the United States, domiciled at 124 East Hunter Road, Sand Coulee, MT 59472.

2. On April 24, 2014, Plaintiffs presented Federal Tort claims in writing to the United States Postal Service [USPS] for damages caused by the incident

described below. Plaintiffs' claims were denied by the USPS by letters dated October 29, 2015.

3. This Court has jurisdiction under § 28 U.S.C. 1346(b).

4. Venue is proper in the Great Falls Division under § 28 U.S.C. 1402(b) because the incident and acts complained of occurred in Great Falls, Cascade County, Montana.

5. On October 29, 2012, on a public street in Great Falls, Montana, at the intersection of Fifth Street South and Fourth Avenue South, Patricia Shafer, a USPS employee, negligently ran a stop sign, failed to yield the right of way, and drove a US Postal Service motor vehicle into Plaintiffs' automobile, a 2011 Honda Pilot, operated by Plaintiff George Konesky and in which Plaintiff Diane Konesky was a front seat passenger.

6. The vehicle driven by Patricia Shafer was owned by the USPS. The collision occurred while Patricia Shafer was delivering mail in the course and scope of her employment with USPS and United States Government.

7. Under the circumstances, the person responsible for the operation of the USPS vehicle, if she were a private person, would be liable to Plaintiffs for their harms and damages caused by the collision.

8. As a proximate result the above-described negligent acts of USPS employee, Patricia Shafer, Plaintiffs' automobile was damaged in the sum of

\$11,149.95; Plaintiff George Konesky suffered bodily injuries, great pain of body and mind, and general and special damages including medical expenses of \$8,107.45; and Plaintiff Diane Konesky suffered bodily injuries, great pain of body and mind, and general and special damages including medical expenses of medical expenses of \$3,235.05.

9. In addition to property damage of \$11,149.95, Plaintiffs' general and special damages entitle them to at least \$100,000 each in compensation under the Federal Tort Claims Act.

Wherefore, Plaintiffs demand judgment against the Defendant in a reasonable sum for all damages they are entitled to under the Federal Tort Claims Act, including the costs and disbursements of this action.

Dated: December 8, 2015.

CONNER & MARR, PLLP

/s/ Dennis P. Conner

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